

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
NOV 21 2000

CREDIT & DEBIT MANAGEMENT
GROUP, OMD

OFFICE OF
MANAGING DIRECTOR

Barry Ohlson, Esq.
WWI License Holding, Inc.
Winstar
1615 L Street, NW
Suite 1260
Washington, D.C. 20036

Re: Winstar Wireless Fiber Corp.
Fee Control No. 0003158130165001

Dear Mr. Ohlson:

This is in response to your request for refund of the \$4620.00 filing fee submitted by Winstar Wireless Fiber Corp. (Winstar Wireless Fiber) on March 14, 2000 in connection with the notification of a consummation of a *pro forma* transfer of control involving wireless telecommunications carriers. You state that Winstar Wireless Fiber inadvertently paid the filing fee and that a fee is not required by the Commission for such *pro forma* notifications.

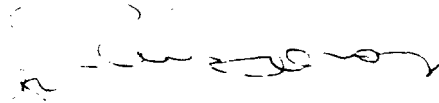
On February 4, 1998, the Commission adopted a *Memorandum Opinion and Order* granting forbearance from the *pro forma* transfer and assignment procedures of section 10 of the Communications Act, as amended, 47 U.S.C. 160, for wireless telecommunications services. *Federal Communications Bar Association's Petition for Forbearance from Section 310(d) of the Communications Act Regarding Non-Substantial Assignments of Licenses and Transfers of Control Involving Telecommunications Carriers*, 13 FCC Rcd 6293 (1998) (*Forbearance Order*). As a result, the Commission no longer requires wireless telecommunications carriers to seek Commission prior approval before a *pro forma* transfer of control or assignment of license, or to file a separate form and filing fee for each license that would be affected. Instead, licensees must notify the Commission within 30 days of consummation of the *pro forma* transaction and update Commission records at that time.

Winstar Wireless Fiber's *pro forma* notification involves wireless telecommunications carriers and was filed under the Commission's forbearance procedures, and therefore is not subject to application filing fees under the *Forbearance Order*. Because no application fee is required, refund of the application fees is warranted. See *2000 Fee Filing Guidelines* (available at <http://www.fcc.gov/fees/appfees.html>).

Accordingly, your request is granted and the amount paid in error will be refunded. A check, made payable to the maker of the original check, and drawn in the amount of \$4620.00, will be sent to you at the earliest practicable time.

If you have any questions concerning the refund, please call the Revenue & Receivable Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written over a faint horizontal line.

Mark A. Reger
Chief Financial Officer



DUPLICATE

March 22, 2000

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
The Portals, Room 1C144
445 Twelfth Street, S.W.
Washington, DC 20036

1615 L Street, NW
Suite 1260
Washington, DC 20036
202-833-6678

RECEIVED
MAR 22 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Winstar Wireless Fiber Corp; Request for Refund of Filing Fees

Mr. Fishel:

Pursuant to Section 1.1113(a)(1) of the Commission's Rules, Winstar Wireless Fiber Corp. ("Winstar") requests a refund of the filing fees it submitted on March 14, 2000 in connection with the notification of a consummation of a *pro forma* transfer of control.¹ In submitting the FCC Form 603, Winstar included a check for \$4620.00, based on the fee for an assignment (copies of the FCC Form 603, FCC Form 159 and check are enclosed). However, it since has come to Winstar's attention that no fee is due for *pro forma* notifications. As the Commission indicated in a Public Notice concerning these types of filings:

Licenses in ULS Geographic Services who are filing notifications of pro forma assignments or transfers pursuant to the Commission's forbearance procedures may continue to use the letter notification procedures described in that order. In addition, starting September 23, 1998, licensees may provide such notification by filing Form 603 or Form 604, as appropriate, within 30 days of consummation of the pro forma assignment or transfer. **Whether notification is by form or by letter, no fee will be required for submission of such notification.**²

Section 1.1113(a)(1) of the Commission's Rules indicates that fees will be refunded or returned if no fee is required for the filing. Because that is precisely the situation here, Winstar respectfully requests that the Commission refund the filing fees it submitted on March 14th, 2000.

Please contact the undersigned counsel at 202-367-7600 if you have any questions with regard to this matter.

Sincerely,

Barry Ohlson
Counsel for Winstar Wireless Fiber Corp.

RECEIVED

Enclosures

Checks were submitted to the FCC in the name of Winstar Regulatory Affairs. Winstar Wireless Fiber Corp. and Winstar Regulatory Affairs are both wholly owned subsidiaries of Winstar Communications, Inc.

² Public Notice, 13 FCC Rcd 18687 (1998)(emphasis added, footnote omitted). See also, Public Notice, 13 FCC Rcd 17368 (1998)(same); Public Notice, 14 FCC Rcd 1744 (1998)(same).

Payment Transactions Detail Report

Date: 04/14/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date										
0003158130165001	WINSTAR REGULATORY AFFAIRS 1615 L STREET NW SUITE 1260 WASHINGTON DC 20036	GP00065947	0133585278	3/14/2000 00:00:0										
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type			
\$4,620.00	\$4,620.00	102	CAPM	1	9507948	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	1	CCPM	1	WMG833	WINSTAR WIRELESS FIBER CORP	20036		\$75.00	1	PMT			
\$4,620.00	\$4,620.00	2	CAPM	1	WMG834	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	3	CAPM	1	WMG835	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	4	CAPM	1	WMT280	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	5	CAPM	1	WMT602	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	6	CAPM	1	WMT603	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	7	CAPM	1	WMT604	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	8	CAPM	1	WMT605	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	9	CAPM	1	WMT606	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	10	CAPM	1	WMT607	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	11	CAPM	1	WMT608	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	12	CAPM	1	WMT609	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	13	CAPM	1	WMT610	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	14	CAPM	1	WMT611	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	15	CAPM	1	WMT612	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	16	CAPM	1	WMT613	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	17	CAPM	1	WMT614	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	18	CAPM	1	WMT615	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	19	CAPM	1	WMT616	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	20	CAPM	1	WMT670	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	21	CAPM	1	WMT671	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	22	CAPM	1	WMT672	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	23	CAPM	1	WMT673	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			
\$4,620.00	\$4,620.00	24	CAPM	1	WMT674	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT			

Payment Transactions Detail Report

Date: 04/14/2000

BY: FEE CONTROL NUMBER

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0003158130165001	WINSTAR REGULATORY AFFAIRS 1615 L STREET NW SUITE 1260 WASHINGTON DC 20036	GP00065947	0133585278	3/14/2000 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$4,620.00	\$4,620.00	25	CAPM	1	WMT675	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	26	CAPM	1	WMT676	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	27	CAPM	1	WMT677	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	28	CAPM	1	WMT678	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	29	CAPM	1	WMT679	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	30	CAPM	1	WMT763	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	31	CAPM	1	WMT817	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	32	CAPM	1	WMT818	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	33	CAPM	1	WMT819	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	34	CAPM	1	WMT821	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	35	CAPM	1	WMT822	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	36	CAPM	1	WMT823	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	37	CAPM	1	WMT824	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	38	CAPM	1	WMW286	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	39	CAPM	1	WMW287	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	40	CAPM	1	WMW288	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	41	CAPM	1	WMW289	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	42	CAPM	1	WMW290	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	43	CAPM	1	WMW291	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	44	CAPM	1	WMW292	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	45	CAPM	1	WMW858	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	46	CAPM	1	WMW867	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	47	CAPM	1	WMW942	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	48	CAPM	1	WMW943	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	49	CAPM	1	WPJA793	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT

Payment Transactions Detail Report

Date: 04/14/2000

BY: FEE CONTROL NUMBER

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0003158130165001	WINSTAR REGULATORY AFFAIRS 1615 L STREET NW SUITE 1260 WASHINGTON DC 20036	GP00065947	0133585278	3/14/2000 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$4,620.00	\$4,620.00	50	CAPM	1	WPJA794	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	51	CAPM	1	WPJA795	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	52	CAPM	1	WPJA796	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	53	CAPM	1	WPJA797	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	54	CAPM	1	WPJA798	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	55	CAPM	1	WPJA799	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	56	CAPM	1	WPJC609	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	57	CAPM	1	WPJC610	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	58	CAPM	1	WPJC611	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	59	CAPM	1	WPJC612	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	60	CAPM	1	WPJC613	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	61	CAPM	1	WPJC614	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	62	CAPM	1	WPJC615	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	63	CAPM	1	WPJC616	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	64	CAPM	1	WPJC617	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	65	CAPM	1	WPJC618	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	66	CAPM	1	WPJC619	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	67	CAPM	1	WPJC620	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	68	CAPM	1	WPJC622	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	69	CAPM	1	WPJC710	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	70	CAPM	1	WPJC711	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	71	CAPM	1	WPJC928	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	72	CAPM	1	WPJC929	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	73	CAPM	1	WPJC984	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	74	CAPM	1	WPJC985	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT

Payment Transactions Detail Report

Date: 04/14/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0003158130165001	WINSTAR REGULATORY AFFAIRS 1615 L STREET NW SUITE 1260 WASHINGTON DC 20036	GP00065947	0133585278	3/14/2000 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$4,620.00	\$4,620.00	75	CAPM	1	WPJC986	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	76	CAPM	1	WPJC987	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	77	CAPM	1	WPJC988	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	78	CAPM	1	WPJC989	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	79	CAPM	1	WPJC990	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	80	CAPM	1	WPJC991	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	81	CAPM	1	WPJD393	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	82	CAPM	1	WPJD394	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	83	CAPM	1	WPJD395	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	84	CAPM	1	WPJD856	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	85	CAPM	1	WPJE792	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	86	CAPM	1	WPJE793	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	87	CAPM	1	WPJE794	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	88	CAPM	1	WPJE795	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	89	CAPM	1	WPNA368	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	90	CAPM	1	WPNA369	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	91	CAPM	1	WPNA372	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	92	CAPM	1	WPNA526	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	93	CAPM	1	WPNA676	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	94	CAPM	1	WPNA681	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	95	CAPM	1	WPND496	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	96	CAPM	1	WPND671	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	97	CAPM	1	WPND761	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	98	CAPM	1	WPNE686	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	99	CAPM	1	WPNE989	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT

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Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$4,620.00	\$4,620.00	100	CAPM	1	WPNF246	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
\$4,620.00	\$4,620.00	101	CAPM	1	WPOU595	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
Total	102									\$4,620.00	